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6
7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 * * *

10 UNITED STATES OF AMERICA,)	Case No.: 2:18-cr-110-RFB-GWF
11 Plaintiff,)	
12 vs.)	STIPULATION TO CONTINUE
13 SCOTT STERN,)	SENTENCING HEARING
14 Defendant.)	
15)	

16 IT IS HEREBY STIPULATED AND AGREED, by and between Christina D. Silva,
17 Assistant United States Attorney, attorney for the Plaintiff, United States of America, and George
18 P. Kelesis, Esq. of the law firm of Cook & Kelesis, Ltd., attorney for the Defendant, Scott Stern, that
19 the sentencing date in the above-captioned matter currently scheduled for August 16, 2018 at 3:30
20 PM, be vacated and continued to the Court's first available date after September 1, 2018.

21 This stipulation is entered into for the following reasons:

- 22 1. Counsel for Plaintiff will be out of the jurisdiction on the date currently set for
23 sentencing.
- 24 2. Counsel for Defendant will be traveling out of the jurisdiction during the latter part
25 of August on other matters.
- 26 3. Counsel for the Defendant needs additional time to prepare for sentencing including,
27 but not limited to, researching and preparing a sentencing memorandum and/or obtaining letters of
28 recommendation and/or certificates of achievement for presentation to the Court prior to the
sentencing in order to render effective assistance of counsel.

1 4. Defendant is not in custody at this time, and does not object to the continuance in
2 this matter.

3 5. That the parties agree to the continuance sought herein.

4 6. Additionally, denial of this request for continuance could result in a miscarriage of
5 justice.

6 7. The additional time requested by this Stipulation is excludable in computing the time
7 within which the sentencing hearing must commence pursuant to the Speedy Trial Act, Title 18,
8 United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States
9 Code, Sections 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

10 8. This is the first request for continuance of the sentencing date.

11 DATED this 17th day of July, 2018.

12
13 COOK & KELESIS, LTD.

UNITED STATES OF AMERICA

14
15 By /s/ George P. Kelesis
16 GEORGE P. KELESIS
17 Nevada Bar No. 0069
18 517 S. Ninth Street
Las Vegas, Nevada 89101
Attorneys for Defendant

By /s/ Cristina D. Silva
CRISTINA D. SILVA
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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * * *

UNITED STATES OF AMERICA,)	Case No.: 2:18-cr-110-RFB-GWF
Plaintiff,)	
vs.)	
SCOTT STERN,)	
)	
Defendant.)	
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FINDINGS OF FACT

Based on the Stipulation to Continue Sentencing, and good cause appearing therefore, the Court finds that:

1. Counsel for Plaintiff will be out of the jurisdiction on the date currently set for sentencing.
2. Counsel for Defendant will be traveling out of the jurisdiction during the latter part of August on other matters.
3. Counsel for Defendant needs additional time to prepare for sentencing including, but not limited to, researching and preparing a sentencing memorandum and/or obtaining letters of recommendation and/or certificates of achievement for presentation to the Court prior to the sentencing in order to render effective assistance of counsel.
4. Defendant is in not custody at this time and does not object to the continuance in this matter.
5. That the parties agree to the continuance sought herein.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
7. The additional time requested by this Stipulation is excludable in computing the time within which the sentencing hearing must commence pursuant to the Speedy Trial Act, Title 18,

1 United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States
2 Code, Sections 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

3 8. This is the first request for continuance of the sentencing date.

4 For all of the above stated reasons, the ends of justice would be best served by a continuance
5 of the sentencing herein requested.

6 **CONCLUSIONS OF LAW**

7 The ends of justice served by granting said continuance outweigh the best interest of the
8 public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely
9 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
10 within which to be able to effectively and thoroughly prepare for sentencing, taking into account the
11 exercise of due diligence.

12 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
13 States Code, Sections 3161(h)(7)(A), considering the factors under Title 18, United States Code,
14 Sections 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

15 **ORDER**

16 **IT IS THEREFORE ORDERED** that the sentencing presently set for August 16, 2018 at
17 2:00 PM, is hereby vacated, and continued to the 7th day of September, 2018, at 3:00
18 ___, a.m./p.m. in Courtroom No. 7C.

19 DATED this 10th day of August, 2018.

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22 _____
23 RICHARD F. BOULWARE, II
24 UNITED STATES DISTRICT JUDGE
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